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September 1, 2023

Judge Arun Subramanian
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Courtroom 15A
New York, NY 10007

Re: *Vogel v. Takeone Network Corp. et al.*, 22-cv-3991 (S.D.N.Y.) (AS)

Dear Judge Subramanian:

This firm represents plaintiff Scott Vogel in the above-referenced action. I am submitting this letter-motion, with the consent of counsel for defendants Takeone Network Corp. d/b/a Wrapbook, Patrick Ali Javid, Naysawn Naji, Hesham El-Nahas, and Cameron Woodward (collectively "Wrapbook"), to request an extension of the deadline for Mr. Vogel to file a Second Amended Complaint ("SAC") and to adjourn the parties' telephonic conference with the Court, currently scheduled for September 15, 2023, until after Mr. Vogel files the SAC. This letter also provides the parties' jointly-proposed briefing schedule for Wrapbook's motion to dismiss the SAC.

On August 16, 2023, the Court issued an opinion granting in part and denying in part Wrapbook's motion to dismiss Mr. Vogel's First Amended Complaint. The Court directed Mr. Vogel to file an amended complaint by August 30, 2023, and scheduled a telephonic conference with the parties on August 31, 2023.

I am co-lead counsel for this action with my partner, Wyley Proctor. In mid-August, a close member of Ms. Proctor's family suffered a serious medical emergency. Because of that emergency, and the undersigned's late-August schedule, Mr. Vogel (with Wrapbook's consent) requested an extension of the deadline to file the SAC until September 13, 2023. The Court granted this request and scheduled a conference for September 15, 2023. On August 30, 2023, this case was re-assigned to your Honor, and the Court directed Wrapbook to answer or move by October 4, 2023.

On Wednesday, August 30, 2023, Ms. Proctor's young child suffered a serious medical emergency. (Ms. Proctor's child is not the same family member that suffered the medical emergency referenced above.) Ms. Proctor has been at the hospital with her child since Wednesday. As result, Ms. Proctor is focused on her child's recovery and will require additional time to fully address this matter and the amendment of Mr. Vogel's complaint. Given the circumstances, Mr. Vogel requests that the Court extend the deadline to file the SAC by two weeks, to

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September 27, 2023, and adjourn the September 15 conference until after Mr. Vogel files the SAC. Wrapbook has extended the courtesy of consenting to these requests. This letter is Mr. Vogel's second request for an extension of time to file the SAC.

If the Court grants Mr. Vogel's requested extension, the parties jointly propose the following briefing schedule for Wrapbook's motion to dismiss the SAC:

SAC due September 27, 2023
Motion to Dismiss due October 18, 2023
Opposition due November 8, 2023
Reply due November 29, 2023

We appreciate the Court's consideration of the above requests and the parties' proposed briefing schedule.

Respectfully submitted,

/s/ Curtis B. Leitner

Curtis B. Leitner

cc: Jason Burt, Esq. (via ECF)
Steve Feldman, Esq. (via ECF)

The request for an extension is GRANTED. The Court adopts the parties' proposed briefing schedule. The conference is rescheduled for October 26, 2023 at 3PM.

The Clerk of Court is directed to terminate the motion at ECF No. 56.

SO ORDERED.



**Arun Subramanian, U.S.D.J.
Date: September 5, 2023**